

REMARKS/ARGUMENTS

Claims 4-6 remain in this application. Claims 1-3 were previously canceled.

In the Office Action dated December 18, 2003, the Examiner rejected claims 4-6 of the present application under 35 U.S.C. §102(e) as being anticipated by Rosenberg (U.S. Patent No. 6,307,924). For the following reasons, Applicant respectfully traverses the Examiner's rejections and respectfully requests the withdrawal thereof.

With respect to independent claim 4 of the present application, in particular, the Examiner set forth the following reasons as his basis for rejection:

Regarding claim 4. Rosenberg teaches a method for converting a three-party telecommunications connection which is switched... from an operator-involved call to a subscriber only involved call (Col. 2, line 51, Col. 3, line 37) comprising the steps of:

Initiating setup, via the telecommunications switching networks based on the distribution of charges (Col. 4, lines 27-45)... as telecommunication connection control based on tariff charge (Col. 5, lines 53-60); and

Releasing... as control unit passing control to gateway node handling the subscriber line (Col. 5, line 60-Col. 6, line 24).

Applicant respectfully submits that the Examiner's rather broad-brush rejection of independent claim 4 of the present application fails for a variety of reasons. First of all, the Rosenberg reference does not teach or suggest, nor even contemplate, the transfer of a three party conference into a two party conference. Indeed, the Rosenberg reference is directed to (and discloses) a method for charging for services in a communication system which may include a number of different communication networks having respectively different network operators. As such, the method of Rosenberg seeks to permit more flexible charging for connections or connection configurations which exist between these different network operators of the respectively different communication networks. As noted in Col. 1, lines 48-54 of the Rosenberg reference, "the idea underlying the invention is to signal the charges for services provided in a communications network of another network operator from nodes of this communications network to a gateway node of the latter which then signals the received charge data onward to the communications network of the subscriber who initiated the call." Such method was devised in an effort to alleviate the situation where, if part of a connection was set

up through a telephone network of another network operator, the network operator who charges the call to a subscriber must pay a charge to the other network operator for using this section of the circuit. As such, the balancing of accounts between the network operators takes place during post processing; i.e., the charge data are collected at the end of the month, for example, and evaluated by means of a computer.

Applicant respectfully submits, however, at no point in the Rosenberg reference is it ever contemplated to convert a three-party telecommunications connection into a two party conference. The passage cited by the Examiner on this point (Col. 2, line 51 – Col. 3, line 37) is entirely silent on this point. Moreover, there is nothing in the Rosenberg reference which teaches or suggests a step of “initiating setup, via the telecommunications switching office, and after reception of a request originating from the one of the further subscriber line in the operator’s position, of a new direct telecommunications connection between the two subscriber lines...” Again, the passages cited by the Examiner (Col. 4, lines 27-45) and (Col. 5, lines 53-60) have absolutely nothing to do with the claimed step.

Lastly, Applicant respectfully submits that the Examiner’s rational that the Rosenberg reference teaches “releasing, after a successful setup of the direct telecommunications connection, existing sections of the three-party telecommunications connection which is routed via the telecommunications switching office, between the two subscriber lines and the one of the further subscriber line and the operator’s position,” is simply misguided. The Examiner has attempted to equate the passing of control from one control unit to a gateway node handling the respective subscriber line (Col. 5, line 60 – Col. 6, line 24) to the above-described claimed inventive step. There simply is nothing in the Rosenberg reference which even remotely considers the release of a third-party connection upon establishing the claimed two-party connection.

To summarize, it appears that the Examiner has mistakenly determined that the network operator as disclosed in the Rosenberg reference is somehow the same as the claimed telephone operator which forwards an incoming call to a third communication partner and gives off a trigger for transferring this three party conference into a two party conference.

In light of the above, Applicant respectfully submits that the Rosenberg reference does not teach or suggest, nor even remotely contemplate, the method of the present invention as

offered by presently-pending claims 4-6. Should the Examiner still somehow disagree with this assessment, Applicant respectfully requests that the Examiner provide a more specific and detailed explanation of his position with respect to that which is disclosed in the Rosenberg reference.

In light of the above, Applicant respectfully submits that claims 4-6 of the present application are patentable over the art of record. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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